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John C. Shaw

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JOHN ALEXANDER GALBREATH
2516 CHESTNUT WOODS CT
REISTERSTOWN, MD 21136

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/032,535
Filing Date: January 02, 2002
Appellant(s): SHAW ET AL.

John Alexander Galbreath
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06/26/08 appealing from the Office action mailed on 01/25/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on 02/22/08 has not been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

LEXSEE, 1991 SEC NO-ACT. LEXIS 1112, October 1, 1991, SEC hereinafter

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims 1-163 are rejected under 35 U.S.C. 103(a) as being unpatentable over "LEXSEE 1991 SEC NO-ACT. LEXIS 1112, October 1, 1991" hereinafter SEC) in view of Gutterman et al (US PAT: 5297031).

Re Claim 1: SEC discloses a method for anonymously and confidentially determining contraparties to a transaction and notifying an authorized representative of the contraparties to contact the contraparties in order to consummate a transaction comprising the steps of:

- Receiving indications of interest from potential transferees and potential transferors

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into a central processing system (Page 2, Part B) each indication of interest involving a transfer of a specific item; anonymously comparing indications of interest received from potential transferees with indications of interest received from potential transferors within the central processing system to determine whether a match has occurred (Page 1, First full paragraph; "permits participants to enter anonymously limit orders to buy or sell those securities and to (1) match that buy and sell interest with countervailing interest on the other side of the market; or (2) enter into a negotiation process that may ultimately produce an executed trade.");

- determining counterparties to a transaction based on said determination of whether a match has occurred (Page 1 first full paragraph match that buy and sell interest with countervailing interest on the other side of the market);
- notifying the authorized representative of the counterparties that a match has occurred between the counterparties (Page 3, first full paragraph 'LIMITrader dials the counterparty's trading desk and notifies the counterparty that the orders have matched');
- Providing,contacting means to the authorized representative to allow the authorized representative to contact the counterparties so that a transaction between the counterparties through direct consummation by the authorized representative and the counterparties (Page 3; under ['8]; entire paragraph; "LIMITrader will dial up the participantthat entered the existing order...The first participant so notified that responds to the incoming order may begin an automated negotiation process.").

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SEC does not explicitly disclose wherein the indications of interest are received from an order management system integrated with the central processing system. However, Gutterman discloses an order management system (see the abstract, see figs.2a-2d, also see the summary of the invention). Thus, It would have been obvious to a person of ordinary skill in the art to combine the OMS teachings of Gutterman with the disclosure of the SEC to allow users to manage their decks and to improve the accuracy of communications between the trading floor and the customers.

Re Claims 2-4: SEC discloses the claimed method supra and further discloses wherein the received indications of interest involves the transfer of an equity security, a debt security and a derivative security (Page 1, first paragraph)

Re Claims 5-7, 9-11, 13-17: SEC discloses the claimed method supra and further discloses the use of limit orders and direct matches (Page 2, Part B "A participant wishing to trade on the System may enter a limit order, which may be either a firm position or an "indication.").

Re Claim 8: SEC discloses the claimed method supra but does not explicitly disclose the step wherein at least one of the indications of interest includes ancillary information not used in determining whether a match has occurred in said comparing step but which is transmitted to a matched counterparty during said consummating the transaction step to assist in consummation by the contraparties. However as noted earlier, SEC discloses the step of placing the parties in contact with each other either by phone or electronically. Therefore it is inherent that the parties had provided either telephone numbers or email addresses, which were not relevant to the matching process. Without

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providing this information it would not be possible for the host to arrange communication.

Re Claim 12: SEC discloses the claimed method supra and further discloses wherein said providing step also includes providing contacting means directly to the contraparties (Page 3; under [8]; entire paragraph; "LIMITrader will dial up the participantthat entered the existing order...The first participant so notified that responds to the incoming order may begin an automated negotiation process.")

Re Claim 18: SEC discloses a method for anonymously and confidentially determining contraparties to a transaction and introducing authorized representatives of each respective contraparty to each other in order for the authorized representatives to consummate a transaction, comprising the steps of:

- Receiving indications of interest from potential transferees and potential transferors into a central processing system (Page 2, Part B) wherein the indications of interest are received from an order management system (i.e. keystations; See abstract and Fig 8 "KS A and KS B") integrated with the central processing system each indication of interest involving a transfer of a specific item; anonymously comparing indications of interest received from potential transferees with indications of interest received from potential transferors within the central processing system to determine whether a match has occurred (Page 1, First full paragraph; "permits participants to enter anonymously limit orders to buy or sell those securities and to (1) match that buy and sell interest with countervailing interest on the other side of the market; or (2) enter into a negotiation process that may ultimately produce an executed trade.");

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- Determining counterparties to a transaction based on said determination of whether a match has occurred (Page 1 first full paragraph match that buy and sell interest with countervailing interest on the other side of the market);
- Notifying the counterparties and their respective authorized representatives that a match has occurred between the counterparties; (Page 3, first full paragraph 'LIMITrader dials the counterparty's trading desk and notifies the counterparty that the orders have matched');
- Providing contacting means to the authorized representative to allow the authorized representative to contact the counterparties so that a transaction between the counterparties through direct consummation by the authorized representative and the counterparties (Page 3; under [8]; entire paragraph; "LIMITrader will dial up the participant that entered the existing order...The first participant so notified that responds to the incoming order may begin an automated negotiation process.").

SEC does not explicitly disclose wherein the indications of interest are received from an order management system integrated with the central processing system. However, Gutterman discloses an order management system (see the abstract, see figs.2a-2d, also see the summary of the invention). Thus, It would have been obvious to a person of ordinary skill in the art to combine the OMS teachings of Gutterman with the disclosure of the SEC to allow users to manage their decks and to improve the accuracy of communications between the trading floor and the customers.

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Re Claims 19-21: SEC discloses the claimed method supra and further discloses wherein the received indications of interest involves the transfer of an equity security, a debt security and a derivative security (Page 1, first paragraph)

Re Claims 22-24, 26-28, 30-34: SEC discloses the claimed method supra and further discloses the use of limit orders and direct matches (Page 2, Part B "A participant wishing to trade on the System may enter a limit order, which may be either a firm position or an "indication.").

Re Claim 25: SEC discloses the claimed method supra but does not explicitly disclose the step wherein at least one of the indications of interest includes ancillary information not used in determining whether a match has occurred in said comparing step but which is transmitted to a matched counterparty during said consummating the transaction step to assist in consummation by the contraparties. However as noted earlier, SEC discloses the step of placing the parties in contact with each other either by phone or electronically. Therefore it is inherent that the parties had provided either telephone numbers or email addresses, which were not relevant to the matching process. Without providing this information it would not be possible for the host to arrange communication.

Re Claim 29: SEC discloses the claimed method supra and further discloses wherein said providing step also includes providing contacting means directly to the contraparties (Page 3; under [8]; entire paragraph; "LIMITrader will dial up the participant that entered the existing order...The first participant so notified that responds to the incoming order may begin an automated negotiation process.")

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Re Claim 35: SEC discloses a method for anonymously and confidentially determining counterparties to a transaction and notifying an authorized representative of the counterparties to contact the counterparties in order to consummate a transaction comprising the steps of:

- Receiving indications of interest from potential transferees and potential transferors into a central processing system (Page 2, Part B) each indication of interest involving a transfer of a specific item; anonymously comparing indications of interest received from potential transferees with indications of interest received from potential transferors within the central processing system to determine whether a match has occurred (Page 1, First full paragraph; "permits participants to enter anonymously limit orders to buy or sell those securities and to (1) match that buy and sell interest with countervailing interest on the other side of the market; or (2) enter into a negotiation process that may ultimately produce an executed trade.");
- determining counterparties to a transaction based on said determination of whether a match has occurred (Page 1 first full paragraph match that buy and sell interest with
- notifying the authorized representative of the counterparties that a match has occurred between the counterparties (Page 3, first full paragraph 'LIMITrader dials the counterparty's trading desk and notifies the counterparty that the orders have matched");
- Providing contacting means to the authorized representative to allow the authorized representative to contact the counterparties so that a transaction between the counterparties through direct consummation by the authorized representative and the

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contraparties (Page 3; under [8]; entire paragraph; "LIMITrader will dial up the participant that entered the existing order...The first participant so notified that responds to the incoming order may begin an automated negotiation process.").

SEC does not explicitly disclose wherein the indications of interest are received from an order management system integrated with the central processing system. However, Gutterman discloses an order management system (see the abstract, see figs. 2a-2d, also see the summary of the invention). Thus, it would have been obvious to a person of ordinary skill in the art to combine the OMS teachings of Gutterman with the disclosure of the SEC to allow users to manage their decks and to improve the accuracy of communications between the trading floor and the customers.

Re Claims 36-38: SEC discloses the claimed method *supra* and further discloses wherein the received indications of interest involves the transfer of an equity security, a debt security and a derivative security (Page 1, first paragraph)

Re Claims 39-41, 43-45, 46-50: SEC discloses the claimed method *supra* and further discloses the use of limit orders and direct matches (Page 2, Part B "A participant wishing to trade on the System may enter a limit order, which may be either a firm position or an "indication.").

Re Claim 42: SEC discloses the claimed method *supra* but does not explicitly disclose the step wherein at least one of the indications of interest includes ancillary information not used in determining whether a match has occurred in said comparing step but which is transmitted to a matched counterparty during said consummating the transaction step to assist in consummation by the contraparties. However as noted earlier, SEC

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discloses the step of placing the parties in contact with each other either by phone or electronically. Therefore it is inherent that the parties had provided either telephone numbers or email addresses, which were not relevant to the matching process. Without providing this information it would not be possible for the host to arrange communication.

Re Claim 51: Further information management system claims would have been obvious in order to perform the previously rejected method claims 1, 18 and 35 and are therefore rejected using the same art and rationale.

Re Claims 68-77: Further system claims would have been obvious in order to implement previously rejected method claims 2-8 and 12-14 respectively, and are therefore rejected using the same art and rationale.

Re Claims 78: Further method claim would have been obvious from the previously rejected system claim 51 and is therefore rejected using the same art and rationale

Re Claims 79-93: Further method claims contain the same limitations as previously rejected method claims 2-11 and 13-17 respectively and are therefore rejected using the same art and rationale.

Re Claim 94: As shown in the previous rejection of claim 51, SEC discloses the claimed information management system, and SEC further discloses wherein these indications of interest are non-firm (Column 4, lines 38-43)

Re Claim 95-104: Further system claims contain the same limitations as previously rejected system claims 68-77 respectively and are therefore rejected using the same art and rationale.

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Re Claim 121: As shown in the previous rejection of claim 78, SEC discloses the claimed method, and SEC further discloses wherein the process receives prospective transaction entries

Re Claims 122-136: Further method claims contain the same limitations as previously rejected method claims 2-11 and 13-17 respectively and are therefore rejected using the same art and rationale.

Re Claim 137: As shown in the previous rejection of claim 51, SEC discloses the information management system, and SEC further discloses wherein the process receives prospective transaction entries

Re Claims 138-147: Further information management system claims contain the same limitations as previously rejected system claims 68-77 respectively and are therefore rejected using the same art and rationale.

Re Claim 52: SEC discloses a secure system for the trading of transferable commodities, including:

- A network, including a secure station and a plurality of remote user locations having respective user identities and communicatively linked to the secure station for data transmission between the secure station and the user locations (Page 2, 'Description of the System; permitting those users to enter, on an anonymous basis, limit orders to buy or sell those securities.);
- a memory at the secure station for storing user data and for storing transaction data in the form of multiple prospective transaction entries received from the user locations, each of the entries including a transferable item indication and a transaction side

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indication identifying one of two opposing transaction sides (Bottom Page 2-Page 2 "a participant may access information about orders currently in the System, enter or modify an order, or access research information. The order book that a participant sees will show all non-blind bids and/or offers in the System.);

- a search component operatively coupled to the memory, said search component performing a comparison of the stored entries with respect to the transferable item indications and the transaction side indications and, based on said comparison, to select sets of two or more of the stored entries as matching entries having the same transferable item indication and together including transaction side indications identifying the opposing transaction sides (Page 3; The ranges of price and size parameters entered by a participant willing to negotiate an order permit the System to identify orders that may ultimately result in a match.),

- a message sending component operatively coupled to the search component and to the memory and, in response to the selection of each said set of matching entries, generating a prospective transaction message including the transaction indication corresponding to each of the matching entries and further providing the prospective transaction message to the user locations associated with the corresponding user identities (Page 3, LIMITrader dials two calls at a time beginning with the longest standing orders first)

- A data security component for restricting access to any given prospective transaction entry, even if unmatched, stored in the memory to (i) the user identity corresponding to the given entry and (ii) the user identities corresponding to the other entries in any of

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said sets of entries that includes the given entry (Page 9; "The Company has in place security procedures reasonably designed to (i) prevent unauthorized access to LIMITrader, both by employees of the Company or the clearing broker, by participants in the system and by persons who are not affiliated with the Company, the clearing broker or the system, and (ii) to safeguard the system to protect against threats to the proper functioning of the system".)

SEC does not explicitly disclose

- Facilitating an interaction among users associated with the user locations to complete a transaction involving the transferable item, wherein the users interact with each other to complete the transaction

However, LIMITrader does disclose that participants are notified of a potential transaction so that they may begin potential negotiation. Thus, It would have been obvious to a person of ordinary skill in the art to combine the OMS teachings of Gutterman with the disclosure of the SEC to allow users to manage their decks and to improve the accuracy of communications between the trading floor and the customers.

Re Claim 53: SEC further discloses wherein said message sending component provides the prospective transaction message substantially simultaneously to the user locations associated with said corresponding user identities (Page 3, paragraph under [•8]).

Re Claim 54: SEC further discloses a menu for enabling users to select transferable item indications corresponding to different types of transferable items (Page 1 "permits participants to buy or sell those securities")

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Re Claim 55: SEC further discloses wherein said menu is stored in memory (Bottom page 2; "a participant may access information about orders currently in the System)

Re Claim 56: SEC further discloses wherein the data security component includes a plurality of user pages maintained at the secure station each of the user pages having associated with and accessible only by one of the users (Page 9, 5th paragraph).

Re Claim 57: SEC further discloses wherein each of the prospective transaction entries includes a further indication selected from a group of further indications consisting of: an amount indication designating an amount of the transferable item corresponding to the transferable item indication; a price indication designating an acceptable price or an acceptable price range and a time limit indication (Page 2 "Participants may further limit a position...such as limitation of types of counterparties acceptable, minimum trade size, timed release.").

Re Claim 58: SEC further discloses an apportionment component, responsive to the selection of a set of matching entries that includes at least two entries having the same transaction side, for apportioning the designated amount of the transferable item among the user identities corresponding to the given transaction side (Page 3, "ranges of price and size parameters." Also "LIMITrader will execute a partial fill.")

Re Claim 59: SEC further discloses wherein the memory includes an active segment for storing prospective transaction entries with none of said further indications and for storing entries including further indications that are satisfied; and a suspended segment for storing prospective transaction entries including a further indication which is not satisfied, wherein the secure station further includes an entry monitoring component

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operatively associated with the active and suspended segments, for repeatedly monitoring the entries that include a further indication, to determine whether that further indication is satisfied, and wherein said search component performs said comparison only upon the entries stored in the active segment (Bottom Page 2 - Page 3; "information about orders currently in the System;" "LIMITrader automatically executes a trade if such order matches a firm order already existing in LIMITrader.")

Re Claim 60: SEC further discloses wherein the memory further includes a pending segment for storing prospective transaction entries designated as pending by the corresponding users and a means for shifting an entry from the pending segment to the active segment responsive to a signal from the corresponding user location activating the entry (Bottom Page 2; "Once logged in, a participant may access information about orders currently in the System, enter or modify an order or access research information.").

Re Claim 61: SEC further discloses a status designation component enabling each user to alternatively designate a prospective transaction entry as active or pending; wherein the memory includes an active memory segment for storing entries designated as active, and an inactive segment for storing entries designated as pending and means for transferring from one of said segments to the other in response to a change in designation (Bottom of Page 2-Top page 3).

Re Claim 62: Further process claim would have been obvious from the previously rejected system claim 52 and is therefore rejected using the same art and rationale.

Re Claim 63: SEC further discloses wherein said message sending component

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provides the prospective transaction message substantially simultaneously to the user locations associated with said corresponding user identities (Page 3, paragraph under [8]).

Re Claim 64: SEC further discloses wherein prior to receiving the prospective transaction entries from a given user, authorizing the given user based on the give user's meeting of predetermined qualification requirements (Page 2 Part A. "Each applicant for participation must be approved by the Company.")

Re Claim 65: SEC further discloses wherein said restricting access includes maintaining at the secure location a plurality of user pages, each user page personalized to an accessible only by an associated one of the user locations (Page 3 "a participant may view its own bids and/or offers"; Page 10).

Re Claim 66: SEC further discloses wherein each of the prospective transaction entries further optionally includes a condition, and the process further includes: identifying the prospective transaction entries that include a condition and monitoring each of the entries so identified to determine whether the associated condition is satisfied (Page 2, Part B, "Participants may further limit a position.").

Re Claim 67: SEC further discloses wherein at least a portion of the prospective transaction entries include an amount indication associated with the transferable item indication and the process further includes: responsive to the selection of a set that includes at least two entries with the same transaction side indication, apportioning the transferable item among users indicating said same side transaction (Page 3 "If an incoming firm order matches but does not fill an existing firm order, LIMITrader will

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execute a partial fill.")

Re Claim 105: As shown in the previous rejection of claim 52, SEC discloses the claimed limitations and further discloses wherein these indications of interest are non-firm (Page 2, Part B).

Re Claims 106-114: Further secure system claims contain the same limitations as previously rejected system claims 53-61 and are therefore rejected using the same art and rationale.

Re Claims 115: As shown in the previous rejection of claim 62, SEC discloses the claimed limitations and further discloses further discloses wherein these indications of interest are non-firm (Page 2, Part B, Page 10, first paragraph)).

Re Claims 116-120: Further process claims contain the same limitations as previously rejected process claims 63-67 and are therefore rejected using the same art and rationale.

Re Claims 148: As shown in the previous rejection of claim 52, SEC discloses the claimed limitation and further discloses wherein the entries include a transferable item element and a transaction side element ()

Re Claims 149-157: Further system claims contain the same limitations as previously rejected system claims 53-61 and are therefore rejected using the same art and rationale.

Re Claim 158: As shown in the previous rejection of claim 62, SEC discloses the claimed limitations and further discloses wherein the entries include a transferable item element and a transaction side element 0

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Re Claims 159-163: Further process claims contain the same limitations as previously rejected process claims 63-67 and are therefore rejected using the same art and rationale.

(10) Response to Argument

In response to the appellant's argument concerning the 35 U.S.C 103(a) rejection of claims 52, 62, 105, 115, 148, and 158. First, the appellant argues in substance that agreement was reached in the interview conducted on 02/12/08 that "the LimitTrader system does not have the message-sending component of the claimed invention." The examiner contends that no such agreement was reached and the interview summary of record bears this fact out. The interview summary of record clearly states that agreement with respect to the claims was not reached and nowhere in the substance of the interview did it say that agreement with respect to the claims was reached (please see the copy of the interview summary conducted on 02/12/08). The appellant further argues that neither the SEC reference nor Gutterman discloses the claims' Message sending Component. Contrary to the appellant's assertion, SEC discloses (Page 3; under [*8]; entire paragraph; "LIMITrader will dial up the participant that entered the existing order...The first participant so notified that responds to the incoming order may begin an automated negotiation process.", also see " LIMITrader dials two calls at a time beginning with the longest standing orders first"). Thus the examiner perceives the dialing up of participant that entered the existing order as taught by SEC to constitute the message sending component as disclosed by the applicant. As evidenced by the appellant's own admission that "LimitTrader" dials two calls at a time and sends a

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message to existing-order parties (see pg 8 paragraph 5 and pg 9 paragraphs 1 and 5 of appellants appeal brief), evidently "LimitTrader" has a message sending component. Since it is clear that "LimitTrader" has a "message sending component," the appellant shifts the premise of his argument from lacking a message sending component to the content of the message itself and to whom the message is sent. The appellant argues that the SEC reference makes no mention of what its notification message contains (i.e., its content). The examiner contends that SEC reference clearly states that "LimitTrader" notifies the counterparty that the orders have matched. In other words, the content of the notification is a message that says "the orders have matched." The examiner further contends that the notification message is nothing but data, and since "LimitTrader" can send a message to another party (i.e., having a message sending component), dissecting the content of the message sent changes not the functionality of the system, but clearly descriptive non-functional.

The appellant further argues that "LimitTrader" lacks Data Security Component for restricting access to any given prospective transaction entry. Contrary to the appellant's assertion, LimitTrader discloses a data security component (see Page 9 paragraph 5; "The Company has in place security procedures reasonably designed to (i) **prevent unauthorized access to LIMITrader**, both by employees of the Company or the clearing broker, by participants in the system and by persons who are not affiliated with the Company, the clearing broker or the system, and (ii) to safeguard the system to protect against threats to the proper functioning of the system."). The examiner contends that Preventing unauthorized access to LimitTrader, as taught by SEC, is akin

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to restricting access to any given prospective transaction entry as claimed by the appellant.

In response to the appellant's argument concerning the 35 U.S.C 103(a) rejection of claims 1, 18, 35, 51, 78, 94, 121, and 137. The appellant argues in substance that switching the "LimitTrader" system of the SEC reference from individual dial-up input to an integrated OMS would disable its important individualized features, and it would also negate the advantages of its simple dial-up system, rendering such a modification unobvious. Contrary to the appellant's assertion, the examiner contends that the "LimitTrader" system is a dial-up system that operates on standard telephone circuits, through the existing publicly-available telecom network (see pg 5 section D of the SEC reference). The examiner respectfully submits that the "LimitTrader" system is a trade book and can be modified to include integrated OMS (order management system). Integrated OMS is nothing but a trading application. Although, more robust than the regular trade book (i.e., LimitTrader" system), which is a 16 bit application, integrated OMS is usually a 32 bit application. Now the question is not if the modification is possible, the question is if the "LimitTrader" dial-up circuits have enough bandwidth to withstand the modification. The answer is yes. As it has been stated supra, the "LimitTrader" system is a dial-up system that operates on standard telephone circuits, and a standard telephone circuit has a bandwidth-speed of 2400 bits per second. Thus, the examiner respectfully submits that integrating a 32 bit OMS application with a 16 bit trade book application (i.e., LimitTrader system) would be satisfactory and optimal since the total bandwidth of this combination is 48 bit which far

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less than the 2400 bandwidth speed of the standard telephone lines. So if we do the math, integrated OMS can be made to function over regular telephone lines for multiple users - upward of 50 users at a time ($2400 / 48 \text{ bits} = 50$). The examiner submits that having these many users running integrated OMS on a regular telephone lines might be sub-optimal due to slowness and line noise, however, integrated OMS can be made to function on regular telephone lines.

All in all, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In re Nomiya, 184 USPQ 607 (CCPA 1975). The examiner further recognizes that the test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971), and references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA) 1969. In the present case, the examiner has supplied a motivation as to why it would have been obvious for one of ordinary skill in the art to combine the teachings of SEC with that of Gutterman. That is to say, one of ordinary skill in the art would have been motivated to combine SEC and Gutterman to allow users to manage their decks and to improve the accuracy of communications between the trading floor and the customers.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/OJO O OYEBISI/

Examiner, Art Unit 3696

Conferees:

Vincent Millin /VM/

Appeals Conference Specialist

Ella Colbert

/E. C./

Primary Examiner, Art Unit 3696